

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

<p>MARGARETTA M. HENDERSON and BRYANT K. WILLIAMS, JR.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>TIA MITCHELL and ADONIS J. JACKSON,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 3:23-CV-1117-MAB</p>
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REPORT AND RECOMMENDATIONS

BEATTY, Magistrate Judge:

This matter is before the court *sua sponte* for case management purposes. This case was assigned to the undersigned Magistrate Judge pursuant to Administrative Orders 257 and 341 (Doc. 2). Although Defendants were served with process (Docs. 9, 13), they have not appeared in this action and thus have not had the opportunity to consent to magistrate judge jurisdiction. Accordingly, the undersigned is issuing a Report and Recommendation for consideration by a District Judge. *See* 28 U.S.C. § 636(b)(1)(b); FED. R. CIV. P. 72(b).

The undersigned issued an Order on June 6, 2024, outlining deficiencies with the complaint (Doc. 17). First, the complaint was not signed by both of the named Plaintiffs (Doc. 17, p. 5; *see also* Doc. 1). And second, Plaintiffs' allegations were insufficient to state a constitutional claim against either Defendant (Doc. 17, pp. 5–10). Plaintiffs were given until July 1, 2024, to file an amended complaint (*Id.* at p. 11). They were warned that if

they failed to do so, this case would be dismissed (*Id.* at p. 10). To date, no amended complaint has been filed and the Court has not heard from Plaintiffs in any fashion. Consequently, this case can be dismissed for failure to prosecute. *See* FED. R. CIV. P. 41(b).

Having considered the record of this case and the applicable law, the undersigned **RECOMMENDS** this case be **DISMISSED without prejudice** pursuant to Rule 41(b) for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1) and SDIL-LR 73.1(b), the parties shall have fourteen (14) days after service of this Report and Recommendation to file written objection thereto. The failure to file a timely objection may result in the waiver of the right to challenge this Report and Recommendation before either the District Court or the Court of Appeals. *Snyder v. Nolen*, 380 F.3d 279, 284 (7th Cir. 2004); *United States v. Hernandez-Rivas*, 348 F.3d 595, 598 (7th Cir. 2003).

The Clerk of Court is **DIRECTED** to assign a District Judge for consideration of the undersigned's Report and Recommendation.

DATED: October 16, 2024

s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge